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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Oscar CALDERON,** Defendant	Magistrate Docket No. '08 MJ 0847 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 17, 2008** within the Southern District of California, defendant, **Oscar CALDERON,** an alien, who previously had been excluded, deported and removed from the United States to **El Salvador**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th DAY** OF **MARCH 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Oscar CALDERON

PROBABLE CAUSE STATEMENT

On March 17, 2008, Border Patrol Agent J. Aripez was notified by Customs and Border Protection Officers (CBP) at the Tecate, California Port of Entry of two individuals they had detained, who had attempted to elude inspection by jumping the United States/Mexico Boundary Fence separating the United States and Mexico into the Tecate Port of Entry. Agent Aripez responded to the port of entry and identified himself as a United States Border Patrol Agent to the two subjects CBP was detaining. One of the individuals was later identified as the defendant **Oscar CALDERON**. Agent Aripez questioned the defendant as to his citizenship and nationality. The defendant stated to be from Guatemala with no immigration documents that would allow him to enter or remain in the United States. At 6:30 AM, Agent Aripez arrested the defendant and the other subject and transported them to the Tecate Border Patrol Station Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to El Salvador on February 22, 2002 through Houston, Texas. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of El Salvador illegally present in the United States. The defendant further admitted that he entered the United States illegally and has not applied or requested permission to re-enter the United States legally. The defendant stated he was going to San Francisco, California to find work.